



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION, MID-ATLANTIC
6506 HAMPTON BLVD.
NORFOLK, VA 23508-1273

IN REPLY REFER TO:

COMNAVREGMIDLANT
INST 5500.3
Code 00L

COMNAVREG MIDLANT INSTRUCTION 5500.3

10 DEC 2001

Subj: REGIONAL EXCLUSION PROGRAM

Ref: (a) 50 USC Section 797 (Internal Security Act of 1950)
(b) 18 USC Section 1382
(c) SECNAVINST 5511.36 Series
(d) U.S. Navy Regulations, 1990, Article 0810
(e) Code of Virginia Title 18.2, Section 119
(f) N.C. Gen. Stat. 14-134.3

1. Purpose. To promulgate instructions related to Commander, Navy Region, Mid-Atlantic's (COMNAVREG MIDLANT) Exclusion Program in accordance with references (a) through (f). This instruction assigns responsibilities for coordination and implementation of the program, and delineates procedural reporting requirements.

2. Background. It is the established policy of the Department of Defense that Installation Commanders have the authority to promulgate regulations for the protection of property and personnel under their command and to enforce applicable laws and regulations. This authority shall not be exercised in an arbitrary, capricious, or discriminatory manner. Pursuant to reference (c), removal or denial actions must be based on reasonable grounds and be judiciously applied. It is illegal for any person without authority to enter or re-enter a military installation having been forbidden to do so, either orally or in writing. Accordingly, Installation Commanders have the authority to limit access to their respective installations in order to maintain good order and discipline and to protect Government personnel and property.

3. Policy. In accordance with references (a) through (f), an official letter will be prepared detailing the jurisdictional limits of the exclusion. This exclusion letter will be issued by the Installation Commander to the following categories of personnel in order to maintain law and order and to protect installation personnel and property.

a. Any military person who receives an Other Than Honorable discharge from the Navy due to misconduct;

b. Any military person awarded a punitive discharge at court-martial and after that discharge has been approved;

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c. Those personnel, military or civilian, who commit misconduct on any installation within the Mid-Atlantic Region which, under the circumstances and in the opinion of the Installation Commander, warrants the exclusion of the offender from military installations;

d. Those personnel found using MWR, NEXCOM, or DECA facilities under the cognizance of the Mid-Atlantic Region without proper authorization; and

e. Any civilian personnel found to be in a vagrant status, i.e., living in, behind or around abandoned buildings which fall under the jurisdiction of the Mid-Atlantic Region.

4. Violation. Nonjudicial punishment, administrative separation and/or trial by courts-martial may be considered for any service member found in violation of this instruction. A violation of an exclusion letter will be deemed a violation of a lawful order. Civilians found in violation of this instruction may be detained until civil authorities can respond. Where appropriate, offenders will be prosecuted under Federal, State, or Municipal trespassing laws.

5. Distribution. Copies of each exclusion letter barring individuals from installation facilities will be made and distributed as follows.

a. Copies (one each) of the exclusion letter shall be distributed to each:

- (1) Installation Commander within the Mid-Atlantic Region
- (2) Station Judge Advocate/Primary Legal Advisor
- (3) Installation Security Department

b. Copies (one each) of the complete list of individuals barred by an Installation Commander shall be provided on a quarterly basis to each:

- (1) Installation Commander within the Mid-Atlantic Region
- (2) Station Judge Advocate/Primary Legal Advisor
- (3) Installation Security Department

6. Reciprocal Exclusion. As a general rule, all Installation

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Commanders that fall under the purview of COMNAVREG MIDLANT as Regional Commander and Regional Coordinator, shall recognize and enforce exclusion letters issued by other Installation Commanders within the Mid-Atlantic Region. Those individuals who are barred in whole or in part from an installation's jurisdictional limits will also be similarly barred from any other military facility within the Mid-Atlantic Region unless the text of the letter clearly indicates that a more restricted application should apply. If an exception to this policy of reciprocity is believed appropriate, the specifics shall be submitted to the Regional Commander via the cognizant Installation Commander/Program Manager. If an excluded individual will not be discharged and is a current resident of Navy family housing, continued access to or eviction from the applicable housing area should be specifically addressed in the letter after coordination with the Program Manager for Support Services via Regional Housing Director. Additionally, all exclusion letters shall contain the following paragraph:

"Until further modified or lifted, you are hereby prohibited from entering onto Naval Medical Center (NAVMEDCEN), Portsmouth and its branch clinics except to obtain necessary Medical care. If you are seeking non-emergent medical treatment you must proceed directly to the Security Department on the installation, who will provide an escort/pass to the clinic area in which you seek medical care. Upon completion of your care, you are to proceed directly to the security office to check out and exit the base."

7. Appeal. Personnel excluded from the jurisdictional limits of an installation, in whole or in part, may appeal in writing to the Installation Commander, via the Station Judge Advocate, within 15 days of receipt of the exclusion letter. The exclusion, suspension or revocation of privileges remains in effect until a reply is received from the Installation Commander. Juveniles (persons under the age of 18) shall, through their sponsor, be afforded the same right to appeal as outlined above.

8. Action. Installation Commanders are hereby delegated the authority to administer the Exclusion Program for their respective installations in accordance with this instruction.



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